

June 14 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0156

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FILED

JUN 14 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
ORDER

STATE OF MONTANA,

Plaintiff and Appellee,

v.

KAREN DANIEL-KNOLL,

Defendant and Appellant.

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Appellant filed her opening brief in this appeal on June 11, 2010. The brief does not comply with Rule 12(1)(a) through (h) of the Montana Rules of Appellate Procedure. Below is a list of rules that were not fully complied with in Appellant's brief.

Rule 12(1)(a) requires a table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where they are cited;

Rule 12(1)(b) requires a statement of the issues presented for review. Parties are encouraged to limit the number of issues to 4 or fewer;

Rule 12(1)(c) requires a statement of the case. The statement shall first indicate briefly the nature of the case and its procedural disposition in the court below. Only that procedural background which is relevant to the issue or issues raised shall be included in the statement of the case;

Rule 12(1)(d) requires a statement of the facts relevant to the issues presented for review, with references to the pages or the parts of the record at which material facts appear;

Rule 12(1)(e) requires a statement of the standard of review as to each issue raised, together with a citation of authority;

Rule 12(1)(f) requires an argument which shall be preceded by a summary. The summary shall contain a succinct, clear, and accurate statement of the arguments made in the body of the brief and not be a mere repetition of the argument headings. The argument shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, and pages of the record relied on;

Rule 12(1)(g) requires a short conclusion stating the precise relief sought; and

Rule 12(1)(h) requires an appendix that includes the relevant judgment, order, findings of fact, conclusions of law, jury instruction, ruling, or decision from which the appeal is taken together with any written memorandum or rationale of the court, and those pages of the transcript containing any oral ruling in support. This appendix shall include a table of contents and colored page separators and may be a separately-bound document if the volume of the required attachments makes this necessary.

Appellant's opening brief does not comply with these rules. Accordingly,

IT IS HEREBY ORDERED that Appellant's brief be returned for revisions necessary to comply with the above-specified Rules.

IT IS FURTHER ORDERED that no other changes, additions or deletions may be made to the brief as originally filed;

IT IS FURTHER ORDERED that, within fifteen (15) days of the date of this Order, the original and nine copies of the revised brief be filed with the Clerk of the Supreme Court;

IT IS FURTHER ORDERED that the postage costs for returning Appellant's brief will be billed to Appellant by the Clerk of the Supreme Court and shall be due and payable upon receipt;

IT IS FURTHER ORDERED that the times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of refile of Appellant's brief being returned this date.

The Clerk of Court is directed to mail a copy of this Order, together with Appellant's brief, to Appellant and to mail a copy of this Order to all counsel upon whom the brief was served.

DATED this 15<sup>th</sup> day of June 2010.

For the Court,

By Michael G. W. [Signature]  
Justice